

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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|-----------------|---|------------------------------------|
| TIANXIAO YANG, |) | Case No. CV 25-0688 FMO (AGRx) |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER RE: DISMISSAL WITHOUT |
| |) | PREJUDICE |
| DAVID M. RADEL, |) | |
| |) | |
| Defendant. |) | |

The court has reviewed and considered the parties' Joint Stipulation to Stay Case Pending Adjudication of Application (Dkt. 11, "Stipulation"). The parties request a stay of the action in the interest of judicial economy, noting that plaintiff will voluntarily dismiss this case upon receipt of the asylum decision. In the court's experience with numerous similar requests in recent mandamus actions challenging similar delays, the setting of an agreed interview date generally leads to the resolution of the parties' dispute without the need for further intervention by the court. However, staying cases requires the continued commitment of judicial resources to monitoring the cases and ensuring compliance with requirements to file status reports. It also increases the burden on the parties to file status reports or seek dismissal of the stayed case upon resolution of the matter. It appears that the more efficient approach is to dismiss this action without prejudice to either party moving to reopen nunc pro tunc in the event that further court intervention becomes necessary. The court perceives no practical difference between this approach and the relief

1 stipulated by the parties, apart from eliminating the need for future monitoring or action if the
2 parties honor their agreement, as the court expects them to.

3 Based on the foregoing, IT IS ORDERED THAT this action is **dismissed without**
4 **prejudice** to any party seeking to vacate this Order and reopen the action nunc pro tunc in the
5 event that plaintiff is unable to receive a determination in the time contemplated by the parties.

6 Dated this 21st day of April, 2025.

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8 /s/
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10 Fernando M. Olguin
11 United States District Judge
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